

3 FAM 2350 PERSONNEL RECORDS

(TL:PER-376; 12-15-1999)

3 FAM 2351 GENERAL PROVISIONS

3 FAM 2351.1 Authority

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

The authorities are found under:

- (1) Executive Order 12107;*
- (2) 5 U.S.C. 301, 5 U.S.C. 552a;*
- (3) 5 U.S.C. 4305;*
- (4) 5 U.S.C. 4315;*
- (5) 5 CFR 293;*
- (6) 5 CFR 297;*
- (7) OPM Operating Manual, Guide to Personnel Recordkeeping; and*
- (8) Sections 206(a), 603 and 604 of the Foreign Service Act of 1980 (the Act).*

3 FAM 2351.2 Applicability

(TL:PER-260; 4-24-95)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

These regulations apply to all employees of the Department of State and to employees of other agencies who may be assigned or detailed to the Department.

3 FAM 2351.3 Responsibilities

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

a. The Director General of the Foreign Service and Director of Personnel is responsible for:

(1) The administration of the personnel records program of the Department of State, including personnel records kept at posts abroad and missions; and

(2) Assuring that the provisions of the Freedom of Information and Privacy Acts and other applicable provisions of law are implemented with regard to all personnel records.

b. The Executive Director of the Bureau of Personnel (PER/EX):

(1) Directs and is responsible for the personnel records management program of the Bureau of Personnel;

(2) Provides guidance and direction to other bureaus which may maintain temporary unofficial personnel records; and

(3) Provides guidance and direction to posts abroad, on the contents of, access to, maintenance and disposal of personnel files.

c. The Chief, Records Management *Staff* (PER/EX/ADM/RM):

(1) Plans and coordinates the personnel records management program for PER;

(2) Is custodian of these records for legal purposes;

(3) Administers the maintenance, control and access to *official personnel folders* (OPFs) and related records;

(4) Supervises the establishment, maintenance, use, and disposition of the Department's *official personnel folders* (OPFs);

(5) Provides technical guidance and assistance on records matters; and

(6) Performs periodic audits of personnel records.

d. Personnel authorized to have access to OPFs are responsible for their safekeeping and control until they are returned to the custody of PER/EX/ADM/RM.

e. Executive *directors*, heads of personnel units, and comparable officials are responsible for establishing strict controls and accountability records for all *OPFs* and other personnel records charged to or otherwise within their areas of responsibility.

3 FAM 2351.4 Policy

3 FAM 2351.4-1 General

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

a. Executive Order 12107 authorizes OPM to prescribe regulations governing the establishment, contents, maintenance, and transfer of *official personnel folders* between agencies. That executive order also provides that Civil Service *official personnel folders* are the property of the Office of Personnel Management (OPM) and are established and maintained under regulations and procedures issued by them.

b. Foreign Service *performance* records are the property of the Department and are established and maintained under the Act and Department regulations.

3 FAM 2351.4-2 Bureau Policy

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

It is the policy of the Bureau of Personnel to:

(1) Maintain the minimum number of personnel records and files consistent with the Privacy Act, OPM, and Department regulations and requirements;

(2) Maintain the security and confidential nature of all personnel records by permitting their use only in connection with official business or as provided by law; *and*

(3) Make *official personnel folders* available only to authorized individuals.

3 FAM 2351.5 Exceptions to Regulations

(TL:PER-260; 4-24-95)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

Exceptions to these regulations may be made by the Secretary, the Deputy Secretary, the Under Secretary for Management, the Director General of The Foreign Service and Director of Personnel, or a Deputy Assistant Secretary for Personnel, when such action is considered in the best interest of the Department or justified on the basis of special circumstances or emergency conditions. The officer making such an exception will promptly advise the affected employee(s) in writing giving the specific reasons for the action.

3 FAM 2352 OFFICIAL PERSONNEL FOLDERS

3 FAM 2352.1 Types of Files Maintained and On Whom

3 FAM 2352.1-1 Official (Administrative) Personnel Folder

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service Employees)

Official (administrative) personnel folders are maintained on:

- (1) Members of the Foreign Service;
- (2) Part-time Intermittent Temporary (PIT) employees;
- (3) Consular agents, U.S. (American) Family Members (AFM); and

(4) Individuals who perform volunteer service as part of agency programs established for providing education experience for a student or other volunteer programs as defined in laws and regulations authorizing the programs.

3 FAM 2352.1-2 Official (Administrative) Personnel Folder

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Civil Service Employees)

Official (administrative) personnel folders are maintained on:

- (1) Civil Service employees;
- (2) Experts and consultants; and

- (3) Members of the Senior Executive Service (SES).

3 FAM 2352.1-3 Merged Official (Administrative) Personnel Folder

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

Merged official (administrative) personnel folders are maintained on:

(1) A current or former member of the Foreign Service who has or has had service under another personnel system such as the Civil Service system; *and*

(2) A current or former Civil Service employee who has or has had service under Title 5 U.S.C. and another Federal personnel system (other than Foreign Service), such as the U.S. Postal Service.

3 FAM 2352.1-4 Official Foreign Service Performance Folder

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service Employees)

Official Foreign Service performance folders are maintained on members of the Foreign Service.

3 FAM 2352.1-5 Employee Performance Folders (EPF)

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Civil Service Employees)

Employee performance folders are maintained on:

(1) Civil Service employees; *and*

(2) Members of the Senior Executive Service.

3 FAM 2352.2 Contents of Folders

(TL:PER-260; 4-24-95)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

The contents of personnel folders are prescribed in OPM regulations and procedures and/or 3 FAH-1 H-2350.

3 FAM 2352.3 Maintenance and Storage

(TL:PER-260; 4-24-95)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

Procedures governing the filing and removal of documents from files and the storage of those files are found in 3 FAH-1 H-2350.

3 FAM 2352.4 Access to Folders

3 FAM 2352.4-1 Restrictions on Access

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

Official *personnel folders* contain personal information concerning current or former employees of the Department which must be protected against any unwarranted invasion of employees' personal privacy.

3 FAM 2352.4-2 Access Within the Department

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

Access to, and use of, *OPFs* is restricted to employees who have a legitimate need to see personnel records. A list of those classes of individuals who are authorized to have access to personnel folders is published in 3 FAH-1 H-2350. *PER/EX/ADM/RM* maintains a list of department officials and employees who are specifically authorized to have access to files.

3 FAM 2352.4-3 Use by the Office of Personnel Management (OPM)

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

OPM may use or borrow the *OPFs* of Civil Service employees at any time. OPM may be granted access to the *administrative files* of current or former Foreign Service employees under the same procedures and conditions which apply to access by other non-Foreign Affairs agencies. See 3 FAH-1 H-2350 for procedures and guidelines concerning OPM access to *OPFs*.

3 FAM 2352.4-4 Review by Other Agencies

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

a. Accredited investigative agents of any Federal agency may review *OPFs* to carry out assigned investigative functions pursuant to a written request by an official of at least office director level, specifying the necessity for such access.

b. Authorized officials of the Agency for International Development (USAID) may review *OPFs* in connection with proposed details of employees or consideration by promotion boards, when such review is approved by the Career Development and Training Division (PER/CDA/CDT) of the Bureau of Personnel.

c. Authorized officials of other Federal agencies, international organizations, or State and local governments may review *OPFs* in cases where Foreign Service employees are being considered for detail, assignment, or secondment to the agency or organizational entity concerned, when such review is approved by (PER/CDA/CDT).

3 FAM 2352.4-5 Access by Data Subject

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

Current or former employees are not permitted to withdraw their own *OPFs* or other personnel records. Procedures for granting current and former employee's access to their own *OPF* may be found in 3 FAH-1 H-2350.

3 FAM 2352.5 Transfer of Personnel Folders

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

a. Except as provided above, the *official (administrative) personnel folder* of a Department employee will be transferred to another Federal agency only upon the actual transfer of that employee, as supported by a signed personnel action.

b. The *official Foreign Service performance folder* of a member of the Service will not be transferred to any other Federal agency except USAID, the Foreign Commercial Service, or the Foreign Agricultural Service. Such transfer will be made only upon the specific written request of the gaining agency or the employee concerned.

c. The *employee performance folder* of a Civil Service employee will be transferred to another Federal agency in accordance with the OPM Operating Manual, *Guide to Personnel Recordkeeping*.

3 FAM 2352.6 Control, Maintenance, and Disposition of Records

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

PER/ER/ADM/RM shall maintain a system for recording and controlling the locations of personnel folders and for assuring that those folders are maintained and disposed of in accordance with OPM regulations and with procedures and guidelines published in 3 FAH-1 H-2350.

3 FAM 2353 OTHER OFFICIAL PERSONNEL RECORDS

3 FAM 2353.1 General

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

a. In addition to the *official personnel folder* and the *performance file*, a number of other personnel records are maintained by various offices in the Bureau of Personnel. A complete list of these files, a general description of their contents, and procedures governing their maintenance, use, disclosure, and disposition may be found in 3 FAH-1 H-2350. Other than the records listed in this subchapter and in 3 FAH-1 H-2350, no name-retrievable system of personnel records on Department personnel should be established by any office within the Department of State without consulting with the Chief, *PER/EX/ADM/RM*. The establishment of each additional system of name-retrievable files must also be cleared in *A/RPS/IPS* and may need to be listed in the Federal Register pursuant to the provisions of the Privacy Act.

b. The responsibility for proper maintenance and disposition of all personnel files has been delegated by the Director, *A/RPS/IPS* to *M/DGP* (see 5 FAM 435). Technical advice and assistance is available upon request from the Chief, *PER/EX/ADM/RM*.

c. Special care must be exercised not to destroy any personnel records without proper disposal authorization, under penalty of heavy fines imposed by the Records Disposal Act of 1943, as amended, and the Federal Records Act of 1950. Copies of approved records control schedules covering PER records are contained in 5 FAH-4.

3 FAM 2353.2 Working and Chronological Files

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

For most offices, it is necessary to maintain working and/or chronological personnel files for performing their assigned functions. These are considered temporary papers which do not fall within the scope of the regulations cited above. Unless these papers are the only record of their content, they can and should be disposed of promptly after they have served their purpose (see 5 FAH-4, *Records Management Handbook*).

3 FAM 2354 AUDITS

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

It is the responsibility of the Chief, *PER/EX/ADM/RM*, or a designated member of the staff, to perform various audits of all types of personnel records maintained within the Bureau of Personnel, in other bureaus of the Department and at posts abroad, to assure compliance with the Federal laws and Departmental regulations governing the creation, maintenance, use, and disposition of personnel records. Any irregularities will be brought to the attention of the responsible officer and will be corrected within a reasonable or prescribed period of time. Any disagreement with or failure to carry out the recommended changes will be brought to the attention of the Executive Director, *PER/EX*, for review and necessary action.

3 FAM 2355 POST PERSONNEL RECORDS

3 FAM 2355.1 Responsibility

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to FSN & U.S. Citizens)

Responsibility for all post records is vested in the principal officer. Normally, this is delegated to the administrative officer, or other *officers* responsible for personnel activities at a post. *PER/EX/ADM/RM* will provide technical guidance, direction, and assistance on personnel records matters.

3 FAM 2355.2 Type and Content of Folders

3 FAM 2355.2-1 U.S. Citizen Employees

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to FSN & U.S. Citizens)

a. The *official personnel folders* of all U.S. citizen employees of the Department of State are maintained in *PER/EX/ADM/RM* and constitute the legal record of employment. These include the *OPFs* for all regular full-time employees, temporary, PIT, consular agents (whether U.S. citizen or not) and U.S. AFM employees.

b. Posts are authorized to maintain duplicate copies of personnel records of all classes of U.S. *citizen* employees to facilitate post personnel administration.

3 FAM 2355.2-2 Foreign Service National Employees

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to FSN & U.S. Citizens)

The *official personnel folders* of Foreign Service National employees and personal service contractors are maintained at post and constitute the legal record of service. The regulations governing the maintenance, use, and disposition of these records appear in 3 FAM 7140.

3 FAM 2355.3 Procedures and Guidelines for Post Personnel Records

(TL:PER-376; 12-15-1999)

(State Only)

(Applies to FSN & U.S. Citizens)

See 3 FAH-1 H-2350.

3 FAM 2356 THROUGH 2359 UNASSIGNED